

VZCZCXRO9131
PP RUEHCHI RUEHDT RUEHHM RUEHJO RUEHNH RUEHPB
DE RUEHKO #6529/01 3190206
ZNR UUUUU ZZH
P 150206Z NOV 06
FM AMEMBASSY TOKYO
TO RUEHC/SECSTATE WASHDC PRIORITY 8294
INFO RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE PRIORITY
RUEHXI/LABOR COLLECTIVE PRIORITY
RUEHCN/AMCONSUL CHENGDU PRIORITY 0104
RUEHFK/AMCONSUL FUKUOKA PRIORITY 8806
RUEHGZ/AMCONSUL GUANGZHOU PRIORITY 1273
RUEHHM/AMCONSUL HO CHI MINH PRIORITY 0067
RUEHHK/AMCONSUL HONG KONG PRIORITY 6122
RUEHNAG/AMCONSUL NAGOYA PRIORITY 8429
RUEHOK/AMCONSUL OSAKA KOBE PRIORITY 2211
RUEHKSO/AMCONSUL SAPPORO PRIORITY 9855
RUEHGH/AMCONSUL SHANGHAI PRIORITY 0086
RUEHSH/AMCONSUL SHENYANG PRIORITY 0409
RUEHIN/AIT TAIPEI PRIORITY 6214

UNCLAS SECTION 01 OF 05 TOKYO 006529

SIPDIS

SIPDIS

E.O. 12958: N/A

TAGS: [PHUM](#) [ELAB](#) [SOCI](#) [SMIG](#) [JA](#)

SUBJECT: A REVIEW OF JAPAN'S ANTI-TIP POLICY: PROGRESS AND
RELAPSE

TOKYO 00006529 001.4 OF 005

ZFR ZFR ZFR ZFR ZFR ZFR
CANCEL TOKYO 6529 AND BLANK ALL ASSOCIATED MRN/MCN.
MSG WILL BE RESENT UNDER NEW MRN.

ZFR ZFR ZFR ZFR ZFR ZFR
CANCEL TOKYO 6529 AND BLANK ALL ASSOCIATED MRN/MCN.

TOKYO 00006529 002.2 OF 005

visas; most victims have entered the country using fraudulent documents. Reports from private shelter operators that the number of Thai women working in brothels and clubs in Japan appears to have decreased significantly in the past year support the Japanese government's claim that the Bangkok Immigration Officer training program is helping to keep Thai women out of the sex trade.

Prevention Measures Forcing Traffickers to Change Business Model

17. (SBU) In Osaka and Tokyo, the number of establishments selling sex with women under coercive conditions has fallen, according to several contacts that conduct research on sex trafficking in the cities' red light districts. Police are taking advantage of the new Law on Control and Improvement of Amusement Businesses to shut down egregious violators in large numbers. Restrictions on advertising are also being enforced, compelling consultants in the sex service information centers that replaced many of the brothels to remove the posters from their interior and exterior walls and wait for clients inside instead of hawking their service on the corners. A photojournalist who published a book about Kabukicho, Tokyo's most famous red-light district, told us that this crackdown has noticeably reduced the seedy appearance of the

neighborhood.

18. (SBU) Fewer trafficking victims are escaping to private or public shelters this year, according to shelter directors. We asked about this in every meeting, and our contacts cited a variety of positive and negative trends in the sex industry to explain this change. On one hand, the situation in some sex shops has improved, especially in urban centers. Restrictions on visas have made workers more valuable and their escape more costly, forcing some brothel owners to provide better working conditions and salary. The influx of women holding spouse visas who tend to be familiar with Japan, as well as know their rights and some Japanese language, has also put upward pressure on hostess-club salaries and conditions. As the demand for foreign wives in rural Japan increases, brokers are taking advantage of this widening immigration channel to traffic women into Japan, according to Japanese Consular Officials and shelter operators.

19. (SBU) Absent stricter punishment for brokers and club owners, however, the economics of hard-core exploitative trafficking have not changed. To maintain the astronomically high profits of trafficking women for sex, many brokers have shifted into QDelivery HealthQ services, a representative from an NGO specializing in migrant labor explained. One advantage of this model for the traffickers is that a QbodyguardQ accompanies the victim to and from the call, eliminating any opportunity for escape. Representatives from JNATIP say that the conditions in rural areas are as bad as ever, far away from NGO scrutiny or central government law enforcement activity. A former police reporter and TIP researcher agreed with JNATIP's assertion, saying that entrance to the clubs with the worst working conditions has become more restrictive, usually by membership or referral only.

110. (SBU) Brokers are also using more coercive psychological methods to control women, minimizing the numbers who attempt to flee, sources explained. Globalized communication means that victims must fear retaliation against their families more than ever, the migrant labor NGO worker said. TIP activists who work with victims also report that many clubs wait three months before requiring the women to engage in sex. Because they don't receive their wages until the end of the six-month stay, most women choose to Qstick-it-outQ and prostitute themselves rather than lose three months of investment. Even in hostess clubs that do not provide sexual services, punishing women who do not meet quotas psychologically compels them to sleep with clients in order to persuade them to become

TOKYO 00006529 003.2 OF 005

regular customers, said the director of a half-way house for former Filipina hostesses.

111. (SBU) Police misconceptions about the definition of QvictimQ are still evident in many areas, sources related. Women found working in clubs and sex shops during police raids are still often treated as illegal aliens by default. Social workers running a shelter for victims in Kanagawa say that the police often adopt a negative attitude towards women who say they want to stay and work in Japan, deporting them as illegals, even though they were freed from obviously coercive conditions. According to the shelter representatives, a woman must say she wants to go back to her country immediately in order to be classified as a victim and receive special-stay status.

112. (SBU) The fact that the sex industry has become less visible also makes it harder to measure the extent of trafficking and harder to investigate it. Embassy contacts in the Osaka Office of the National Police Agency report that the police do not like to investigate human trafficking cases; it takes too many officer-hours to close a case and is not career enhancing. In addition,

restrictions on long-term undercover work and the nonexistence of plea-bargaining in Japan impose limitations on the ability of police to investigate TIP cases. NGO representatives agree that although the decreasing visibility of Japan's trafficking problem is a sign of progress, it makes the road ahead even more difficult.

Despite Good Intentions, Some Backsliding on Protection

¶13. (SBU) As part of its 2004 action plan to fight human trafficking, Japan designated its prefectural Women's Consulting Centers (WCC) as shelters for victims of trafficking. Originally only used as shelters for victims of domestic violence, we could see in a visit to the Kanagawa shelter with G/TIP Mark Taylor that shelters currently lack the resources they need to provide adequate services to TIP victims. While private shelters usually have full-time staff able to speak seven or more languages, the WCCs must rely on interpretation services from outside providers. Even the Kanagawa WCC, referred to by NGOs as the Cadillac of WCCs, had full-time ability to provide counseling only in Japanese. Without counseling in their native language by professionals familiar with the special needs of trafficking victims, the foreign women staying at WCCs elect to repatriate as quickly as possible. Private shelter representatives say they are worried that the WCCs are just repatriation centers, and not providers of protection or rehabilitation.

¶14. (U) The Japanese government earmarked USD 100,000 in April 2005 for subsidizing victims' stays in private NGO shelters that specialize in assisting victims of human trafficking. According to MOFA contacts, of the total 112 victims protected in all shelters, 52 were protected using this fund in fiscal year 2005. However, this year no victims have been referred to private shelters. Victims will only be sent to private shelters in the case of WCC overflow, the director of the MHLW's office responsible for WCCs told Embassy and G/TIP officers October 11.

¶15. (U) Critics of Japan's protection policies also complain that financial realities preclude any alternative to repatriation. Although Japan has a law to distribute seized assets to victims of crime, TIP victims are not eligible for this compensation, according to JNATIP lawyers. Victims of trafficking are also ineligible for social welfare and are not authorized to work, forcing them to return to their country of origin, whether voluntarily via the special stay permit or by deportation. Although Japan has made grants to organizations assisting repatriated victims of human trafficking in their home countries, there isn't any systematic assistance provided to victims who return home, where they face discrimination and further psychological trauma.

TOKYO 00006529 004.2 OF 005

Prosecution not Sufficient to be a Deterrent

¶16. (U) A suspended sentence remains the most common punishment meted out by Japanese prosecutors for those convicted of TIP-related crimes. In 2005, only six out of 75 convictions resulted in incarceration with an average two-year sentence, according to Ministry of Justice statistics. All but one of the six offenders who were imprisoned were foreigners. Police, government officials, and NGO representatives all agree that Japanese organized crime syndicates (the Yakuza) are the controlling investors in the sex industry, but so far only one Yakuza member has been prosecuted. Ministry of Justice officials say that it is difficult to tell the level of involvement of the owners of bars and clubs selling the sexual services of trafficking victims. The reality is that without a program to encourage victim testimony, long-term undercover work by

the police, or the ability to plea bargain, it is extremely difficult to build a case, a National Police Agency official explained. In addition, an entrenched reluctance to move against the sex establishments persists, according to a JNATIP lawyer, noting that although buying sexual services is illegal in Japan, clients are never arrested and the establishments are permitted to operate relatively unconstrained.

Comment and Action Request

¶17. (U) Japan is clearly making progress in preventing TIP activities, as demonstrated by the gradual shut down of sex shops throughout the country and the marked decline in the number of women entering the country on entertainer visas. The picture on protection of victims and prosecution of perpetrators, however, is not as positive. WomenQs Consulting Centers need more resources, especially interpretation services, in order to be effective as shelters for foreign trafficking victims. Some activists have also suggested that the Centers also serve as reception centers for private shelters that specialize in TIP victims. Separately, Japanese prosecutors are lagging behind the rest of the government in taking significant measures to address the crime of human trafficking.

¶18. (U) ACTION REQUEST: Embassy Tokyo requests that the Department provide a non-binding roadmap to Tier 1 classification under the Trafficking Victims Protection Act for presentation to Japanese officials. Following are the EmbassyQs suggestions for inclusion in the roadmap.

- a. Increase prosecutions using the new trafficking law. Increase the percentage of convictions that result in incarceration. Use longer sentences according to the guidelines of the new trafficking law.
 - b. Increase the availability of native language counseling to victims.
 - c. Provide compensation from seized criminal assets and/or public welfare assistance to victims. Encourage victims to file suits against their former employers and/or participate in prosecutions.
 - d. Fully utilize earmark for sheltering victims in private shelters.
 - e. Create a program to verify employment and exit of Filipina nurses and caregivers coming to Japan under the new Free Trade Agreement.
 - f. Create one centralized, nation-wide hotline for victims, available in multiple languages.
 - g. Sponsor police and prosecutors to travel to the United States for liaison/training in the Voluntary Visitor program.
 - h. Organize broad prosecutor participation in a digital
- TOKYO 00006529 005.2 OF 005
- videoconference with Department of Justice prosecutors.
- i. Create special anti-trafficking units within the National Police Agency.
 - j. Distribute awareness-raising materials more widely, including posting in commercial/nongovernmental locations.
- SCHIEFFER